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PATENT TRADEMARK OFFICE

Docket No. HUM00-23

#4



M&amp;A LLP. Ref. No.: 2976-4037

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR  
ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Novel Human Genes Related to Respiratory Diseases and Obesity**

the specification of which

- a. ☐ is attached hereto
- b. ☒ was filed on July 28, 2000 as application Serial No. 09/627,465 and was amended on \_\_\_\_\_. (if applicable).

**PCT FILED APPLICATION ENTERING NATIONAL STAGE**

- c. ☐ was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_. (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby specify the following as the correspondence address to which all communications about this application are to be directed:

SEND CORRESPONDENCE TO: Richard C. Komson  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, N.Y. 10154

**RECEIVED**

APR 06 2001

OFFICE OF PETITIONS

DIRECT TELEPHONE CALLS TO: (212) 758-4800

- ☐ I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or under § 365(b) of any foreign application(s) for patent or inventor's certificate or under § 365(a) of any PCT international application(s) designating at least one country other than the U.S. listed below and also have identified below such foreign application(s) for patent or inventor's certificate or such PCT international application(s) filed by me on the same subject matter having a filing date within twelve (12) months before that of the application on which priority is claimed:

- ☐ The attached 35 U.S.C. § 119 claim for priority for the application(s) listed below forms a part of this declaration.

Country/PCT	Application Number	Date of filing (day, month, yr)	Date of issue (day, month, yr)	Priority Claimed
				<input type="checkbox"/> Y <input type="checkbox"/> N
				<input type="checkbox"/> Y <input type="checkbox"/> N
				<input type="checkbox"/> Y <input type="checkbox"/> N

- ☒ I hereby claim the benefit under 35 U.S.C. § 119(e) of any U.S. provisional application(s) listed below.

Provisional Application No.	Date of filing (day, month, yr)
60/146,336	30 July 1999
60/211,749	14 June 2000

**ADDITIONAL STATEMENTS FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART OR PCT INTERNATIONAL APPLICATION(S) DESIGNATING THE U.S.)**

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or under § 365(c) of any PCT international application(s) designating the U.S. listed below.

US/PCT Application Serial No.	Filing Date	Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT)

- ☐ In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and/or agents with full power of substitution and revocation, to prosecute this application, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith: John C. Vassil (Reg. No. 19,098), Alfred P. Ewert (Reg. No. 19,887), David H. Pfeffer (Reg. No. 19,825), Harry C. Marcus (Reg. No. 22,390), Robert E. Paulson (Reg. No. 21,046), Stephen R. Smith (Reg. No. 22,615), Kurt E. Richter (Reg. No. 24,052), J. Robert Dailey (Reg. No. 27,434), Eugene Moroz (Reg. No. 25,237), John F. Sweeney (Reg. No. 27,471), Arnold I. Rady (Reg. No. 26,601), Christopher A. Hughes (Reg. No. 26,914), William S. Feiler (Reg. No. 26,728), Joseph A. Calvaruso (Reg. No. 28,287), James W. Gould (Reg. No. 28,859), Richard C. Komson (Reg. No. 27,913), Israel Blum (Reg. No. 26,710), Bartholomew Verdirame (Reg. No. 28,483), Maria C.H. Lin (Reg. No. 29,323), Joseph A. DeGirolamo (Reg. No. 28,595), Michael P. Dougherty (Reg. No. 32,730), Seth J. Atlas (Reg. No. 32,454), Andrew M. Riddles (Reg. No. 31,657), Bruce D. DeRenzi (Reg. No. 33,676), Mark J. Abate (Reg. No. 32,527), John T. Gallagher (Reg. No. 35,516), Steven F. Meyer (Reg. No. 35,613) and Kenneth H. Sonnenfeld (Reg. No. 33,285), Tony V. Pezzano (Reg. No. 38,271), Andrea L. Wayda (Reg. No. 43,979), Walter G. Hanchuk (Reg. No. 35,179), John W. Osborne (Reg. No. 36,231), Robert K. Goethals (Reg. No. 36,813), Leslie A. Serunian (Reg. No. 35,353) and Caryn DeHoratius (Reg. No. 45,881) of Morgan & Finnegan, L.L.P. whose address is: 345 Park Avenue, New York, New York, 10154; and Michael S. Marcus (Reg. No. 31,727), John E. Hoel (Reg. No. 26,279), and Stanley B. Green (Reg. No. 24,351) of Morgan & Finnegan, L.L.P., whose address is 1775 Eye Street, Suite 400, Washington, D.C. 20006;

and Nina L. Pearlmutter (Reg. No. 35,639) and Robert L. Spadafora (Reg. No. 46,197) of Genome Therapeutics Corporation, 100 Beaver Street, Waltham, Massachusetts 02154.



I hereby authorize the U.S. attorneys and/or agents named hereinabove to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove.

Full name of sole or first inventor Tim Keith

Inventor's signature\* *Tim Keith*

3/14/01  
Date

Residence:

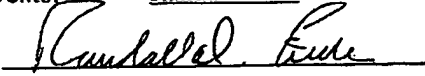
324 North Road, Bedford, Massachusetts 01730

Citizenship:

United States

Post Office Address:

same as above

Full name of second inventor Randall LittleInventor's signature\* 3/2/01

Date

Residence:

73 Elm Road, Newtonville, Massachusetts 02460

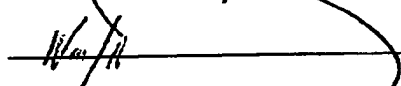
Citizenship:

United States

Post Office Address:

same as above

Full name of third inventor:

Paul Van derdeweghInventor's signature\* 3/2/01

Date

Residence:

25 Linden Circle, Weston, Massachusetts 02493

Citizenship:

Belgian

Post Office Address:

same as above

Full name of fourth inventor:

Josée DupuisInventor's signature\* 3/2/01

Date

Residence:

111 Fairway Drive, Newton, Massachusetts 02465

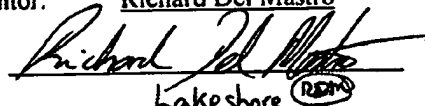
Citizenship:

Canadian

Post Office Address:

same as above

Full name of fifth inventor:

Richard Del MastroInventor's signature\* 13th March, 2001

Date

Residence:

Lakeshore (REM)  
31 Lake Shore Drive, Norfolk, Massachusetts 02056

Citizenship:

United Kingdom

Post Office Address:

same as above

Full name of sixth inventor: Jason Simon

Inventor's signature\* \_\_\_\_\_

3/2/01

Date

Residence: 1019 Summit Avenue, Westfield, New Jersey 07090

Citizenship: United States

Post Office Address: same as above

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Full name of seventh inventor: Kristina Allen

Inventor's signature\* \_\_\_\_\_

Date

Residence: 11 Oliver Lane, Hopkinton, Massachusetts 01749

Citizenship: United States

Post Office Address: same as above

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Full name of eighth inventor: Sunil Pandit

Inventor's signature\* \_\_\_\_\_

Date

Residence: 353 W Side Drive, Apt. 202, Gaithersburg, MD 20878-3028

Citizenship:

Post Office Address: same as above

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Full name of sixth inventor: Jason Simon

Inventor's signature\* \_\_\_\_\_

\_\_\_\_\_  
Date

Residence: 1019 Summit Avenue, Westfield, New Jersey 07090

Citizenship: United States

Post Office Address: same as above

---

Full name of seventh inventor: Kristina Allen

Inventor's signature\* Kristina Allen March 2, 2001  
\_\_\_\_\_  
Date

Residence: 11 Oliver Lane, Hopkinton, Massachusetts 01749  
8 km

Citizenship: United States

Post Office Address: same as above

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Full name of eighth inventor: Sunil Pandit

Inventor's signature\* \_\_\_\_\_

\_\_\_\_\_  
Date

Residence: 353 W Side Drive, Apt. 202, Gaithersburg, MD 20878-3028

Citizenship: \_\_\_\_\_

Post Office Address: same as above

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Signing on behalf of Sunil Pandit

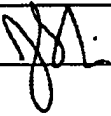
Tim Keith	<u>Tim Keith</u>	Date: <u>3/16/01</u>
Randall Little	<u>Randall Little</u>	Date: <u>3/2/01</u>
Paul Van <sup>EP</sup> derdewegh	<u>Paul Van derdewegh</u>	Date: <u>3/2/01</u>
Josée Dupuis	<u>Josée Dupuis</u>	Date: <u>3/13/01</u>
Richard Del Mastro	<u>Richard Del Mastro</u>	Date: <u>13th March, 2001</u>
Jason Simon		Date: _____
Kristina Allen	<u>Kristina Allen</u>	Date: <u>3/2/2001</u>

\*Before signing this declaration, each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

Signing on behalf of Sunil Pandit

Tim Keith	_____	Date: _____
Randall Little	_____	Date: _____
Paul Van cerdewegh	_____	Date: _____
Josée Dupuis	_____	Date: _____
Richard Del Mastro	_____	Date: _____
Jason Simon		Date: <u>3/02/01</u>
Kristina Allen	_____	Date: _____

\*Before signing this declaration, each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

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